

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claims 1-10 have been canceled in favor of new Claims 11-23. Basis for the new claims will become evident from the following discussion.

According to a feature of the invention set forth in Claim 11, a working machine including a radiator for an engine is further provided with a guard cover which covers the radiator, and a positional relationship member, both of which are mounted to the upper supporting body via the radiator support. For example, as seen in the exemplary embodiment of Figures 1-3 the guide duct 29 (an example of a positional relationship member) extends between the radiator 24 and the guard cover 26, and so the positional relationship amongst the radiator, the radiator duct and the guard cover must be carefully managed. According to a feature of the invention, this positional management is more readily accomplished due to the fact that the positional relationship member, such as the radiator duct 29, and the guard cover 26 are mounted via the radiator support 22 (page 5, lines 6-11). Since the positional relationships for these elements is fixed by the radiator support as a reference, space management amongst these elements is more easily accomplished (page 7, lines 2-6). Claim 12 further defines the positional relationship member as being the radiator duct.

According to another feature of the invention, a canopy support 30 passes through an opening in the guard cover 26 (page 7, lines 9-12) and so the space management between the canopy support 30 and the guard cover must also be carefully maintained. In accordance with Claim 13, the positional relationship member comprises the canopy support, and so this space management is more easily facilitated.

Claim 3 had originally recited the radiator mounting member now recited as a radiator support in Claim 11. The rejection of Claims 1 and 2 is therefore believed to be moot in view of the recitation in new Claim 11 taken from Claim 3. Claim 3 had been rejected under 35

U.S.C. §103 as being obvious over U.S. patent 6,922,925 (Watanabe et al.) in view of U.S. patent 6,427,798 (Imashige) and U.S. patent 6,729,831 (Kawamura et al.). However, Applicants respectfully submit that no combination of the above references teaches the subject matter of new Claim 11 or its dependent claims.

Watanabe et al. discloses a construction machine having an engine 63 and a radiator 70 which are covered by a guard cover 61 (Figure 16). However, as the Examiner has recognized, Watanabe et al. does not disclose a guard cover and positional relationship member mounted via a radiator support.

According to the outstanding Office Action, Imashige would have rendered it obvious to have provided Watanabe et al. with a guard cover positioned on the radiator mounting member. However, this is respectfully traversed. Imashige discloses a construction machine including an engine 7 having a radiator 8. Imashige provides no teaching for mounting the guard cover on the radiator support. Indeed, Figure 1 of Imashige shows that the hinges for the guard cover 1 are mounted at a side of the engine compartment opposite the radiator 8.

As for Kawamura et al., the guard cover 22 is there hinged to the base of the frame (Figure 33) and so this reference cannot provide the missing teaching in the cited prior art. Claim 11 therefore defines over any combination of the above references.

New Claim 12 further recites that the positional relationship member mounted via the radiator support is the radiator duct extending between the radiator and the guard cover so as to guide cooling air passing the guard cover to the radiator. Watanabe et al. does not disclose a radiator duct, particularly one mounted via a radiator support. The Office Action states that a radiator duct is taught in the portion of the Imashige between line 60 of column 2 and line 43 of column 3. However, Applicants have failed to find any description of a radiator duct in the referenced portion of Imashige. In any case, Imashige provides no teaching for mounting

the missing radiator duct on the radiator support. Claim 12 therefore also defines over any combination of the above references.

New Claim 13 further recites the feature previously recited in Claim 5 wherein the canopy support is mounted to the radiator support. There was no specific allegation in the Office Action that this is taught in the cited prior art, and Applicants have found no teaching of this feature in the aforementioned references.

New Claim 14 is directed to another feature of the invention whereby a bonnet provided to cover the engine and a positional relationship member arranged in the vicinity of the bonnet are mounted to the upper supporting body via a mounting column. New Claim 15 recites the feature of original Claim 6 that the positional relationship member is a side panel arranged on one lateral side at the rear part of an opening hood for covering the back side of the engine. New Claim 16 instead recites that the positional relationship member is a muffler cover. For example, referring to the nonlimiting embodiment, the mounting column 23 supports the muffler cover 43 and the bonnet hinge 40 (page 7, lines 14-23). Therefore, the management of the space between the bonnet 31 and the muffler cover is more efficiently facilitated (paragraph bridging pages 8-9).

The mounting column and side panel or muffler cover had previously been recited in Claims 6 or 8 which had also been rejected under 35 U.S.C. §103 as being obvious over Watanabe et al. in view of Imashige and Kawamura et al. However, here again the Office Action has not specifically identified a description in the prior art of a mounting column wherein the bonnet and muffler cover are mounted via the mounting column, and Applicants are not aware of any teaching of these features in the cited references. Claims 14-16 are therefore believed to define over the prior art.

Dependent Claim 17 recites the feature recited in original Claim 9 and shown in Fig. 1 wherein the seat stand 33 extends between the radiator support 22 and to the mounting

column 23. Basis for the remaining dependent claims is evident from the figures. These claims are believed to define over the prior art in view of their dependency from Claims 11 or 14.

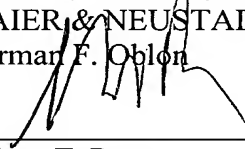
Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
RTP/rac



Robert T. Pous
Registration No. 29,099
Attorney of Record

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